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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6178/2007

PETITIONERS K.P. Dewangan, aged about 45 years, son of Shri H.P. Dewangan, working as Cashier Cum Clerk, Regional Rural Bank Branch – Bade Bhandar (Now transferred to Branch – Lailunga), District Raigarh (C.G.)

Versus

RESPONDENTS

1. The Raigarh Kshetriya Gramin Bank, Raigarh, through – its Chairman, Head Office, Station Road, Raigarh (C.G.)
2. Board of Directors, through – Chairman, the Raigarh, Kshetriya Gramin Bank, Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:
Shri A.N. Bhakta, Counsel for the petitioner.

ORAL ORDER
(23.10.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner was working as a Cashier-cum-Clerk at Hamirpur Branch of Kshetriya Gramin Bank, Raigarh. For a charge of misappropriation, a departmental enquiry was initiated against the petitioner and ultimately, the petitioner admitted his guilt in the enquiry and accordingly submitted a representation to the concerned authority to take a lenient view in the matter of awarding punishment. The disciplinary authority by his order dated 31.5.1999 imposed punishment reverting the petitioner to the lowest stage in the time scale of the pay (cashier-cum-clerk). The petitioner challenged the said order in appeal, but the appeal was also dismissed. Thereafter, the petitioner has filed an earlier Writ Petition No.499/2002

before this Court, in which, he has raised almost all possible points. The said petition came up for hearing on 31st January 2006 and the Court disposed of the said petition by passing the following order :

> "4. It is well settled principles of law that this Court while exercising its extraordinary jurisdiction in a petition filed under Article 226/227 of the Constitution of India should refrain itself from interfering with the findings of facts. In the present case the finding of facts as to guilt of the petitioner has been concurrently found by the enquiring authority, disciplinary authority as well as the appellate authority. The punishment imposed is not disproportionate to the misconduct committed by the petitioner. As such, it does not call for any interference with the findings of facts recorded by the authorities below.
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> 5. In view of the facts and circumstances of the case when the petitioner has admitted his guilt and has prayed for leniency in awarding the punishment, the respondents may consider the request of the petitioner for modification of the punishment awarded."

Learned counsel for the petitioner submits that thereafter, when the matter was again brought to the notice of the concerned authority, praying for leniency in the punishment, the concerned authority took the similar view and did not alter the punishment awarded to the petitioner. He submits that the order (Annexure P/1) passed by the concerned authority on the application/representation made by the petitioner cannot be sustained.

I have gone through the contents of the petition as also the documents filed along with it."

A perusal of para 4 of the earlier order would show that this Court has already taken a view that the punishment imposed was not disproportionate to the misconduct committed by the petitioner and in the said circumstance, the petition was disposed of. However, the matter was left on the discretion of the authorities of the Bank to consider once again the case of the petitioner on the ground that he himself has admitted his guilt.

When the concerned authority, after application of mind and after exercising their discretion has arrived at the conclusion that the punishment awarded by the Bank was just and proper, then there hardly remains any reason for this Court to again exercise extraordinary jurisdiction under Article 226 of the Constitution of India, particularly, in light of the earlier order passed by this Court.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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